

David Glasgow  
Department of Planning Industry and Environment

By email: david.glasgow@planning.nsw.gov.au

Dear Mr Glasgow

**Notice of EIS for Cockle Bay Park - 241-249 Wheat Road, Sydney (SSD-9978934)**

Thank you for your referral dated 4 November 2021 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

The proposed development involves:

- Site preparation works that were not captured as part of the approved Stage 1 works but are required to appropriately interface Cockle Bay Park with its context and enable the proposed redevelopment including:
  - Tree removal across the site.
  - Minor additional areas of excavation across the site.
  - Demolition of existing built form elements not previously approved under SSD-7684, comprising:
    - the Crescent Garden and access from the pedestrian footbridge;
    - the existing Market Street Bridge and associated structures and enabling through-site movements to the Pyrmont Bridge.
    - a small portion of the existing cycleway access ramp to the Pyrmont Bridge;
    - portion of the existing Darling Park basement slab and wall. The existing interface with the Crescent Garden
  - Minor internal building elements within the Darling Park precinct basement.
- The construction and use of a landbridge across the Western Distributor freeway between Darling Harbour and Darling Park, including:
  - A northern park with over 5,500m<sup>2</sup> of publicly accessible open space.
  - A southern park with over 1,000m<sup>2</sup> of publicly accessible open space.
  - Associated landscaping and access to the park from both Darling Park and Darling Harbour.
  - Interface works for the Pyrmont Bridge, Druitt Street Bridge, and to Sussex Street and Market Street, including the construction of a new bridge connection over Sussex Street to the proposed landbridge.
- The construction and use of a new 43 level commercial building, containing:
  - 4 publicly accessible podium levels, containing 14,000m<sup>2</sup> of retail gross floor area
  - 35 levels of commercial office space, containing 75,000m<sup>2</sup> of commercial GFA
  - 4 levels of mechanical plant
- Associated bicycle parking, loading facilities, end of trip facilities, building and business identification signage and utilities and services infrastructure.

The proposed SSD affects the State Heritage Register (SHR) item Pyrmont Bridge (SHR no. 01618) located at Darling Harbour. Pyrmont Bridge is an item of State heritage significance for its aesthetic, historical and scientific cultural values. An essential link between the city and the inner western suburbs, Pyrmont Bridge is closely associated with the economic and social development of Sydney at the end of the 19th century. The works will impact the eastern end of the Pyrmont Bridge.

The following reports were considered in our assessment:

- *Environmental Impact Statement, Detailed (Stage 2) State Significant Development Application - SSD-9978934* (Coleman, & Nowland, Ethos Urban Pty Ltd), 15 October 2021;
- *Appendix S: Heritage Assessment Report* (Phillips and McLauren, Weir Phillips Heritage Planning) 29 September 2021;
- *Appendix NN: Technical Paper - Non-Aboriginal Archaeological Assessment* (Beek and Wallace, Artefact) 8 October 2021;
- *Appendix T: Heritage Interpretation Strategy* (Weir Phillips Heritage Planning);
- *Appendix B: Architectural Drawings* (Hendrig Larsen October 2021);
- *Visual and View Impact Analysis Cockle Bay Park* (Ethos Urban);
- *Cockle Bay Park Redevelopment: Maritime Archaeology Statement of Heritage Impact (SOHI), Darling Harbour Sydney October 2021* (Mitchell and Coroneos, Cosmos Archaeology), October 2021.

As delegate of the Heritage Council of NSW, I provide the following comments:

***Built Heritage – Pyrmont Bridge***

- Removal of the non-original eastern end of the Pyrmont bridge (constructed in the 1984) is supported as the works would not impact on significant fabric.
- Retention and restoration of the sandstone piers at the eastern end would have a positive impact and is supported.
- The re-establishment of the connection between Market Street and Bridge Street and the restoration of the original approach path is supported.
- The new escalator and stair additions to the eastern end of the bridge would have an adverse impact on the state heritage register listed values of the bridge including its historic and aesthetic values. Options to relocate the additions further back from the significant bridge stone piers should be explored to achieve a more sympathetic interface that minimises impact. It is considered that the adverse visual impacts resulting from the approved podium location and alignment in close proximity to the bridge structure would be further increased by such additions.

Detailed drawings (including demolition and proposed drawings) clearly illustrating the impacts on the bridge fabric should be prepared and submitted for approval to the Secretary of the Department. The area of the SHR curtilage affected should also be clearly demarcated in the drawings.

- The new lift structure in the immediate vicinity of the bridge would have an adverse visual impact and the addition should be reconsidered in terms of its location, form and scale.

### **Historic Archaeology**

- Most of the proposed works are in areas formerly occupied by maritime industries and waterfront facilities. However, there are areas on the eastern and northern side of the proposed development area that may contain historical archaeological relics assessed as being locally significant with low to moderate potential to survive. These areas include: Connections to Pyrmont Bridge; Crescent Garden, Street frontage areas.
- The Non Aboriginal Archaeological Assessment (Historical Archaeological Assessment) and Maritime Archaeological SOHI vary in their assessment conclusions, particularly regarding significance and archaeological potential. Heritage NSW considers that the Maritime report provides a more considered assessment of archaeological significance and likelihood to survive (potential), where most of the maritime industry sites have been assessed at a state level of significance (including landward reclaimed areas).
- In particular HNSW notes that the level of research used to support the Historical Archaeological Assessment for the site does not comply with the Heritage Council of NSW Guideline for *Archaeological Assessments*, 1996. The level of detail is not site specific to understand the historical development of the site and what this means for the significance of the archaeology and its ability to address research agendas. A more detailed assessment would be required to support any proposed archaeological research design and excavation methodology and a condition is recommended to require additional site-specific research to inform management.
- Where ground disturbance is proposed which may impact significant archaeological sites, the EIS has proposed a program of archaeological mitigation through excavation would be conducted. This would identify the presence of archaeological remains as part of the development and manage it through removal. It is unclear what test excavation would be used to inform. HNSW understands that archaeological testing should be used to inform design change to avoid significant archaeological deposits, rather than to be used to inform the extent of salvage.

### **Maritime Archaeology:**

- The Maritime Archaeological SOHI found that the remains of potential maritime wharves and other infrastructure heritage that might exist under landfill, along with timber sheet piling with Monier plates have been assessed as being of probable State Heritage significance, and that there is a moderate to high likelihood of significant archaeology across most of the proposed development area. The EIS found that potential impacts on significant archaeology could be satisfactorily mitigated by archaeological excavation/salvage and monitoring during the construction phase of the project. Given the discoveries of buried maritime heritage at the nearby Barangaroo and KENS sites in the Sydney CBD, it is highly likely that intact archaeological sites and relics will be found in this area.
- The proposal identifies a series of piles (34) for the main tower block and over 200 piles for the other shoreward components to be driven through areas where state significant maritime archaeology is predicted. There is no mitigative strategy to

address this impact. A sample of these pile locations, through e.g. geotechnical bores may enable a greater understanding of the stratigraphy, nature and possible extent of the maritime deposits in this area. This may serve as an alternative record where more detailed maritime investigation is not proposed as a form of mitigation.

- Reburial of recovered relics (historical artefacts with significance and those associated with historic shipwrecks) is not supported by the Heritage Council of NSW. A relics reburial strategy should not form part of the proposal. Where relevant a sampling strategy may be employed. However, it would need to be developed as part of the Archaeological Research Design and Excavation Methodology, firmly linked to research questions that are approved by the Secretary for the SSD project. Significant relics should be retained and conserved by the landowner as it is an ongoing responsibility for management of significant relics. Significant relics may also be relevant for future interpretation within the site.
- The 2021 site inspections in the areas of the proposed main tower block do not constitute an archival recording of these sites. Further detailed archival recording according to Heritage Council Guidance is recommended, if proposed by the project.

The following conditions are recommended to be included in any approval of the SSD:

***Historical and Maritime Archaeology:***

- 1. Excavation Director:** The Applicant shall nominate a suitably qualified and experienced historical and maritime archaeologist to manage the historical archaeological program according to the following conditions. This person must fulfil the Heritage Council's Excavation Director Criteria 2019 for the excavation of locally and State significant archaeological sites. This person shall be advise the Department and Heritage Council of NSW as necessary during the course of the project works. Given that most of the area falls within reclaimed areas of former maritime activities, specific expertise and qualifications in both maritime and historical archaeology are required for these phases of the project.
- 2. Archaeological Research Design and Excavation Methodology:** An Archaeological Research Design and Excavation Methodology (ARDEM) shall be prepared to guide the historical and maritime archaeological programs. It shall be prepared according to Heritage Council of NSW guidelines by the approved Excavation Director under this SSD approval. The ARDEM shall include site specific archaeological research to identify research questions; an appropriate mitigation strategy; site recording, artefact management including collection, conservation and retention policies; and a sampling strategy for geotechnical cores for areas where piles are likely to impact State significant archaeology. This document shall be submitted for comments to the Heritage Council of NSW (or its delegate) and the approval by the Secretary of the Department of Planning Industry and Environment (DPIE) prior to the commencement of archaeological excavation.
- 3. Final Archaeological Report:** A final archaeological excavation report documenting the historical and maritime archaeological programs for the SSD shall be prepared within 12 months of the completion of archaeological excavations. It should include the details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner. Copies of the final

excavation report shall be provided to the Department of Planning, Industry and Environment (DPIE), the Heritage Council of NSW and to the local Council's local studies unit.

#### **4. Heritage Interpretation**

A detailed interpretation plan must be prepared for the development in accordance with Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005), and prepared by a suitable specialist and in consultation with the Heritage Council of NSW (or delegate) prior to approval by the Planning Secretary.

The interpretation plan must detail how information on the history and significance of the site, including key archaeological findings will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.

The approved interpretation plan must be implemented as part of the overall project.

### **Built Heritage**

5. Options to relocate the proposed escalators and stairs further back from the significant stone piers of Pyrmont Bridge should be explored to achieve a more sympathetic interface with the bridge structure, which minimises visual and physical impact. New additions are to be carefully located and interference (visual and physical) with historic fabric avoided in order to maintain the simplicity and elegance of the original design of the bridge in its harbour setting.

Amended detailed drawings (including demolition and proposed drawings) clearly illustrating the impacts on the bridge fabric should be prepared and submitted for approval to the Planning Secretary. The area of the State Heritage Register curtilage affected by the proposed modifications should also be clearly demarcated in the drawings.

A material board including proposed finishes and colour schemes for these additions should be submitted for approval to the Planning Secretary. The design must employ recessive high standard materials and finishes to minimise visual impacts.

6. The proposed new lift structure in the immediate vicinity of the bridge should be reconsidered in terms of its location, form and scale to minimise visual clutter at the eastern end of the Pyrmont Bridge.

### **Further Information:**

HNSW is keen to understand if the project may consider and adopt this approach (a sample of pile locations for the project through geotechnical cores to inform the stratigraphy, nature and extent of maritime deposits in areas that will not otherwise be mitigated by the project) at the RTS phase of the project.

Although the site does not contain a local heritage item, there are other local items are in the vicinity, so advice should be sought from the relevant local City of Sydney council.

If you have any questions regarding the above advice, please contact Shikha Jhaldiyal, Senior Heritage Assessment Officer at Heritage NSW on 9873 8545 or [shikha.jhaldiyal@environment.nsw.gov.au](mailto:shikha.jhaldiyal@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steven Meredith', with a stylized flourish at the end.

**Steven Meredith**  
Director Heritage Programs  
Heritage NSW  
Department of Premier and Cabinet  
**As Delegate of the Heritage Council of NSW**  
2 December 2021